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JAN 13 2006

TECHNOLOGY CENTER 3600

YAO-HSUN HUANG
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Feng-Yuan City 420
Taichung Hsien
TAIWAN R.O.C.

In re Application of
Yao-Hsun Huang
Application No. 10/600,327
Filed: June 23, 2003
For: WATER SUCK DEVICE FOR FEEDING
FAVORITE DOMESTIC ANIMALS

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: DECISION ON PETITION
: TO WITHDRAW THE
: HOLDING OF ABANDONMENT
:
:

This is in response to applicant's renewed petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on May 05, 2005. There is no fee for this petition.

The petition is **DISMISSED**.

A review of the file records reveals that the application was held abandoned for failure to timely file a reply to the Office Action dated December 08, 2003. The application was held abandoned, and a Notice to that effect was mailed on August 12, 2004. The original petition to withdraw holding of abandonment filed on September 20, 2004 (duplicate copies received March 15 and 17, 2005) was dismissed as noted in the decision mailed March 16, 2005.

As noted in the decision of March 16, 2005, there is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

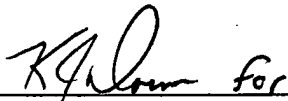
Applicant's (in this case the inventor, Yao-Hsun Huang) statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (e.g., a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a

statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

The instant petition recites applicant has checked his file and reminding book and asked relatives who may have touched and/or saw the Office Communication. This petition fails to include any documentary evidence to support this statement such as a copy of files, documents and relevant pages of the reminder book referenced in the statement. The statement indicates that other people may have touched the documents but there is no statement of non-receipt from those people. Finally, applicant fails to state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.



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RAR/rjc 08/15/05